IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B. SESHASAYANA REDDY

WRIT PETITION No: 17571 of 2004

Between:

Dr. Syeda Ghousia Begum, D/o. Syed Gulam Ahmed,
R/o. C-56, Patigadda Colony, Secunderabad.

..... PETITIONER

AND

1 The Government of A.P., rep. by Secretary, Health Dept., Secretariat, Hyderabad.
2 The Commissioner, Indian Medicine & Homeopathy,

A.P.,Hyderabad.
3 The Director, Indian Medicine & Homoeopathy,
6-1-14, Market Street, Secunderabad.
4 Dr. Mohd. Mohisin C/o. Director, Indian Medicine &

Homoeopathy, 8-1-14, Market Street, Secunderabad.
5 Dr. Shafia Jabin W/o. Dr. Shafia Jabin
C/o. Director Indian Medicine and Homoepathy, 8-1-14,

Market Street, Secunderabad 500 003.
6 Dr. Mohd. Ali Hyder C/o. Director Indian Medicine and

Homoepathy, 8-1-14, Market Street, Secunderabad 500 003.
7 Dr. Israrunnisa C/o. Director Indian Medicine and

Homoepathy, 8-1-14, Market Street, Secunderabad 500 003.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a Writ of Mandamus or other appropriate writ order or direction, particularly one in the nature of a writ directing the Respondents 1 to 3 to fill up the vacancies of Medical Officers Lectures, Unani Available in the Primary Health Centres Unani and Dispensaries Unani spread over the State, including Telangana Region and by quashing the Judgment passed by the A.P. Administrative Tribunal in O.A. 3228/1999 and O.A.1591/2000 dt. 19.4.2004.

Counsel for the Petitioner: MR.K.NARASIMHACHARI

Counsel for the Respondents: GP FOR SERVICES-I

The Court made the following:

ORAL ORDER: - (PER BSSR, J.)

The Writ Petition is filed by the applicant in O.A.Nos.3228 of 1999 and 1591 of 2000 on the file of A.P. Administrative Tribunal, Hyderabad.

2. The brief facts of the case giving rise to filing of the O.As. by the Writ Petitioner before the A.P. State Administrative Tribunal are:

The petitioner applied for the post of Medical Officer (Unani) in response to the notification dated 22.2.1999. She passed the written examination and appeared for Viva. Since she was not selected, she filed O.A.No.3228 of 1999 seeking direction to call for the records relating to the selection to the post of Medical Officer (Unani) held on 14.05.1999. She has also filed O.A.No.1591 of 2000 seeking direction to the official respondents to permit her to apply and take part in the selection process for appointment to the post of Medical Officer/Lecturer (Unani) pursuant to the notification dated 22.2.2000 by granting necessary age relaxation. The learned Tribunal called for the records and found that the petitioner was less meritorious than the persons who were selected and thus it did not choose to grant the relief prayed for by the petitioner and dismissed both the O.As. by a common order dated 19.04.2004. Assailing the said order, the petitioner/applicant has filed this Writ Petition.

3. Learned counsel for the petitioner/applicant contends that the persons selected

were compartmentally passed candidates and whereas the petitioner had passed the examination in a single sitting and thus non-selection of the petitioner in preference to compartmentally passed candidates for the post of Medical Officer (Unani), is illegal.

4. The learned Tribunal after going through the records made the following observation.

> "The facts and circumstances mentioned in O.A.Nos.3228 of 1999 and 1591 of 2000 do not disclose any material to come to the conclusion that she has been unfairly denied selection. The relevant papers have been filed by the official respondents on specific direction of this Tribunal. These papers disclose that the applicant in O.A.No.3228 of 1999 and 1591 of 2000 figures much below the selected candidates in the merit list after taking into account the results of the written examination as well as the marks given at the time of interview and the weightage marks given for the gap period between the date of obtaining the qualification and the selection. On the other hand, the applicant in O.A.No.4042 of 2001 has been rightly selected and on account of the orders issued by this Tribunal on 19.04.2001 in M.A.No.1038 of 2001 in O.A.No.1591 of 2000 implemented by the official respondents, she could not be appointed at the time of finalization of the appointment of other successful candidates."

5. It is explicit from the record that the persons selected are more meritorious than the writ petitioner. In such a situation, we see no valid reason to interfere with the impugned order.

6. Accordingly, the Writ Petition fails and is dismissed. No costs.

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G. BIKSHAPATHY, J.

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B. SESHASAYANA REDDY, J.

Date: 25.01.2005.

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To

1 The Secretary, The Government of A.P.,
Health Dept., Secretariat, Hyderabad.
2 The Commissioner, Indian Medicine & Homeopathy,

A.P.,Hyderabad.
3 The Director, Indian Medicine & Homoeopathy,
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Secunderabad 500 003.

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